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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[BAI Order 379, Amdt. 1]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture by sections 6, 7, 8, and 10 of the act of August 30, 1890, as amended (21 U. S. C. 102–105) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111) the regulations governing the importation of certain animals and poultry and certain animal and poultry products (9 CFR Part 92; 17 F R. 7999) are hereby amended in the following respects:

1. The text following the headnote of paragraph (a) of § 92.5 is designated as subparagraph (1) of paragraph (a) of said section.

2. New subparagraphs (2) and (3) are added to paragraph (a) of § 92.5 to read as follows:

(2) The certificate accompanying sheep and goats offered for importation from any part of the world, except as provided in §§ 92.21, 92.28, and 92.36, shall, in addition to the statements required by subparagraph (1) of this paragraph, state: (i) That the said salaried veterinary officer has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie, and of any other communicable disease; (ii) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (iii) that, as far as can be determined, the disease known as scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (iv) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(3) If ruminants or swine are unaccompanied by the certificate as required by subparagraphs (1) and (2) of this paragraph, or if such animals are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined, or otherwise disposed of as the Chief of Bureau may direct.

3. Section 92.21 is amended to read:

§ 92.21 *Sheep and goats from Canada.* (a) Sheep and goats offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government stating: (1) That such animals have been inspected on the premises of origin and found free of evidence of the disease known as scrapie, and of any other communicable disease; (2) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (3) that, as far as can be determined, the disease known as scrapie has not existed in any county or local municipality in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (4) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(b) If sheep or goats are unaccompanied by the certificate required by paragraph (a) of this section, or if they are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Chief of Bureau may direct.

4. Section 92.23 is amended to read:

§ 92.23 *Animals from Canada for immediate slaughter.* Cattle and swine imported from Canada for immediate slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within two weeks from the date of entry,

(Continued on p. 1935)

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FEDERAL REGISTER

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or upon special permission obtained from the Chief of Bureau they may be reconsigned to other points and there slaughtered within the aforesaid period.

5. Section 92.28 is amended to read:

§ 92.28 *Ruminants from Central America and the West Indies.* (a) Ruminants offered for importation from countries of Central America and the West Indies shall be accompanied by a certificate of a veterinary officer of the national government of the country of origin stating that they have been in the said country for a period of at least 60 days immediately preceding the date of shipment therefrom; that he has inspected them and found them to be free from evidence of communicable disease; and that, as far as he has been able to determine, they have not been exposed to any such disease during that period. If no such veterinary officer is available in the country of origin, ruminants, other than sheep and goats, may be accompanied by an affidavit of the owner or importer stating that such animals have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such period no communicable disease has existed among them or among animals of their kind with which they have come in contact. Ruminants for which such affidavits is presented, unless imported for immediate slaughter, shall be quarantined at the port of entry at least 7 days and during that time shall be subjected to such dipping, blood tests, or other tests as may be ordered by the Chief of Bureau to determine their freedom from communicable diseases. If imported for immediate slaughter, such animals shall be handled as provided in § 92.23.

(b) The certificate accompanying sheep and goats offered for importation from countries of Central America and the West Indies shall, in addition to the statements required by paragraph (a) of this section, state: (1) That the said veterinary officer has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie; (2) that, as far as can be determined, scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (3) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(c) If ruminants are unaccompanied by the certificate or affidavit as required by paragraphs (a) and (b) of this section, or if they are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined, or otherwise disposed of as the Chief of Bureau may direct.

6. Section 92.36 is amended to read:

§ 92.36 *Sheep and goats and wild ruminants from Mexico.* (a) Sheep and goats offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating: (1) That he has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie, and of any other communicable disease; (2) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (3) that, as far as can be determined, the disease known as scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (4) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie. If such sheep or goats are shipped by rail or truck the certificate shall further specify that such animals were loaded into cleaned and disinfected cars or trucks for transportation direct to the port of entry. Notwithstanding such certificate, such sheep and goats shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once in a permitted scabies dip under supervision of an inspector.

(b) The certificate accompanying goats offered for importation from Mexico shall, in addition to the statements required by paragraph (a) of this section, state that such goats have been tested for tuberculosis and brucellosis with negative results within 30 days preceding their being offered for entry, and give the date and method of testing, the name of the consignor and of the consignee, and a description of the animals including breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such goats shall be detained or quarantined as provided in § 92.34 and retested for brucellosis.

(c) If sheep or goats are unaccompanied by the certificate as required by paragraphs (a) and (b) of this section, or if they are found upon inspection or retesting, as provided for in this part, to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined, or otherwise disposed of as the Chief of Bureau may direct.

(d) Certificates will not be required for wild ruminants, other than sheep and goats, originating in and shipped direct from Mexico, but such animals are subject to inspection at the port of entry as provided in § 92.33.

7. Section 92.40 is amended to read:

§ 92.40 *Animals for immediate slaughter* Swine and ruminants, other than sheep and goats, from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, and horses and poultry from any part of Mexico, may be imported, subject to the applicable provisions of §§ 92.31, 92.32, 92.33, 92.35 (a) (2) and 92.39 (a) for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that he has inspected such animals on the premises of origin and found them free of evidence of communicable disease, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. Such animals shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry. Such animals shall be moved from the port of entry in conveyances sealed with seals of the United States Government. Swine and ruminants from Mexican States other than those designated above and sheep and goats from any part of Mexico may be imported only in compliance with other applicable sections in this part.

The foregoing amendment imposes stricter requirements on the importation of sheep and goats in order to more adequately safeguard against the introduction of animals affected with or exposed to the disease known as scrapie, and clarifies certain provisions of the present regulations. The protection of the livestock industry of the United States demands that this amendment be made effective promptly. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 102–105, 111)

Done at Washington, D. C., this 2d day of April 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-2933; Filed, Apr. 7, 1953; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-391A]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; APPLICATION OF TRANSPORT CATEGORY PERFORMANCE REQUIREMENTS TO THE C-46 TYPE AIRPLANE; POSTPONEMENT OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of March 1953.

Subsequent to the adoption of SR–391, several operators of C–46 aircraft have made representations to the Board that the weight limitations upon C–46 aircraft contained therein constitute an unreasonable burden because of the restrictions imposed with respect to the diameter of certain propeller models the use of which is directly related to such weight limitations. Special Regulation SR–391 permits operators using propeller model number 6491A–9 an increase of 1,000 lbs. in the provisional maximum weight until such time as the Administrator shall have determined by suitable tests another value to correspond to the additional efficiency obtainable by the use of such propellers. The designation "–9" appended to this model number indicates approval by the Administrator of the reduction of the maximum diameter of the basic propeller model by nine inches. A propeller diameter which has been so reduced represents the smallest diameter of this model propeller approved for use on C–46 aircraft.

The Administrator normally allows a certain tolerance in propeller diameter to permit "dressing" of the propeller tips. Operators of C–46 aircraft have represented that the reference in the regulation to model number 6491A–9 propeller compels operators to purchase propellers or to modify existing propellers to the smallest approved diameter in order to obtain the 1,000 lbs. increase permitted under this regulation. These operators maintain that such a requirement is unreasonable in that it allows no tolerance for future dressing and that the resultant rate of discard of these propellers would be prohibitive.

In view of that fact that SR–391 was to be effective April 1, 1953, it is considered desirable to postpone the effective date of the regulation for thirty (30) days to permit consideration of this problem by the Board.

Due to the lack of time remaining prior to SR–391 coming into effect, it is necessary that postponement of the effective date be accomplished immediately. In view of the foregoing, the Board finds that notice and public procedure hereon are impracticable and contrary to the public interest and that good cause exists for making the postponement effective without prior notice.

Accordingly, the Civil Aeronautics Board hereby amends Special Civil Air Regulation No. SR–391 as follows: By postponing the effective date of Special Civil Air Regulation No. SR–391 from April 1, 1953 to May 1, 1953.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 1005, 52 Stat. 1007, 1010, 1023; 49 U. S. C. 551, 554, 645; 62 Stat. 1216)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53–3019; Filed, Apr. 7, 1953; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 39]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MAGNESIUM

Section 373.51 *Supplement 1, Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

The submission dates for the Second Quarter, 1953, for the entries set forth below are extended through April 30, 1953. The entries and related submission dates, as amended, read as follows:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter 1953
619152	Magnesium metal powder	Apr. 6–Apr. 30, 1953.
664547	Magnesium metal and alloys in crude form and scrap.	
664549	Magnesium semifabricated forms, n. e. c.	

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of April 7, 1953.

LORING K. MACY,
Director
Office of International Trade.

[F. R. Doc. 53–3013; Filed, Apr. 7, 1953; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5683]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JEWEL RADIO AND TELEVISION CORP. OF AMERICA ET AL.

Subpart—*Using, selling or supplying lottery devices:* § 3.2475 *Devices for lottery selling.* In connection with the offering for sale, sale or distribution of cameras, radios, fountain pens, radio clocks and other articles of merchandise, in commerce, (1) supplying to or placing in the hands of others push cards or other lottery devices, which said push cards or other lottery devices are to be used or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public; (2) shipping, mailing or transporting to agents or distributors or to members of the purchasing public push cards or other devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; or, (3) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Don J. Ferraro (Jewel Radio, etc., Corp. of America et al.), Long Island City, N. Y., Docket 5683, January 9, 1953]

In the Matter of Jewel Radio and Television Corp. of America, a Corporation, and Don J. Ferraro (Erroneously Named in the Complaint as Don F Ferraro), Albert R. Ferraro, Arthur Block and Sam Specter, Individuals and Officers of Jewel Radio and Television Corp. of America, and Crosby-Paige Industries, Inc., a Corporation, and A. Robert Lieberman and Arthur Block, Individuals and Officers of Crosby-Paige Industries, Inc.

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 20, 1949, issued and subsequently served its complaint upon the respondents named in the caption hereof charging them with the use of unfair acts and practices in commerce in violation of the provisions of that act. Thereafter, upon consideration of a motion filed by respondent Arthur Block to strike his name from the complaint and good cause being shown for the relief requested, such motion was duly granted by the Commission. After the filing of answers by all other respondents, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. On September 18, 1951, the hearing examiner filed his initial decision.

Thereafter this matter came on to be heard by the Commission upon the appeal from said initial decision filed by counsel for respondents, briefs in support of and in opposition to said appeal and oral arguments of counsel; and the Commission, having duly considered and ruled upon said appeal and having considered the record herein, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondent Don J. Ferraro and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cameras, radios, fountain pens, radio clocks and other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

[1] Filed as part of the original document.

1. Supplying to or placing in the hands of others push cards or other lottery devices, which said push cards or other lottery devices are to be used or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public.

2. Shipping, mailing or transporting to agents or distributors or to members of the purchasing public push cards or other devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Albert R. Ferraro, Sam Specter and A. Robert Lieberman.

It is further ordered, That respondent Don J. Ferraro shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

By the Commission.

Issued: January 9, 1953.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-3014; Filed, Apr. 7, 1953; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53231]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

ADDITIONAL INFORMATION REQUIRED ON CUSTOMS INVOICES COVERING FRAMED GLASS MIRRORS

In order to assist customs officers in the proper appraisement and classification of glass mirrors, framed, which are over 144 square inches in size, customs invoices for such mirrors shall separately indicate the values of the frames and the values and measurements of the glass in the framed mirrors.

This requirement shall be effective as to certified or commercial invoices filed after the expiration of 30 days from the publication of this ruling in the weekly Treasury Decisions.

Section 8.13 (i) Customs Regulations of 1943 (19 CFR 8.13 (i)) as amended, is further amended by adding the following to the list of merchandise with respect to which additional information is required to be furnished on customs invoices, and by placing opposite such addition the number and date of this Treasury Decision.

Glass mirrors, framed, measuring over 144 square inches in size.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] FRANK DOW, *Commissioner of Customs.*

Approved: April 1, 1953.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 53-3015; Filed, Apr. 7, 1953; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6003; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INCOME FROM DISCHARGE OF INDEBTEDNESS

On December 4, 1952, notice of proposed rule making, regarding amendments to conform Regulations 111 (26 CFR Part 29) to section 304 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 10969) After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (9)-1 the following:

SEC. 304. INCOME FROM DISCHARGE OF INDEBTEDNESS. (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (b) (9).* Effective with respect to discharges of indebtedness occurring within taxable years ending after December 31, 1950, section 22 (b) (9) (relating to income from discharge of indebtedness) is hereby amended (1) by striking out "If the taxpayer makes and files at the time of filing the return, in such manner as the Commissioner, with the approval of the Secretary, by regulations prescribes, its consent" and inserting in lieu thereof "If the taxpayer, at such time and in such manner as the Secretary by regulations prescribes, makes and files its consent" and (2) by striking out the last sentence thereof.

* * * * *

PAR. 2. Section 29.22 (b) (9)-1, as amended by Treasury Decision 5839, approved April 17, 1951, is further amended as follows:

(A) By redesignating present subparagraphs (1) through (5) as paragraphs (a) through (e) and by striking from the newly designated paragraph (a) "and before January 1, 1952," and by striking from the newly designated paragraph (c) "and prior to January 1, 1952,"

(B) By striking the second sentence of paragraph (a) and inserting in lieu thereof the following: "To be entitled to the benefits of the provisions of section 22 (b) (9) for years beginning after December 31, 1941, a corporation must file with its return for the taxable year a consent to the provisions of the regulations, in effect at the time of the filing of the return, prescribed under section 113 (b) (3) (see §§ 29.113 (b) (3)-1 and 29.113 (b) (3)-2, relating to adjustments of basis). However, with respect to discharges of indebtedness occurring within taxable years ending after December 31, 1950, the consent may be filed with an amended return or claim for credit or refund, where the taxpayer establishes to the satisfaction of the Commissioner reasonable cause for failure to file the consent with its original return."

PAR. 3. Section 29.22 (b) (9)-2 is amended by adding at the end thereof the following: "In a case where a consent is permitted (under § 29.22 (b) (9)-1) after the original return has been filed, the original and duplicate of Form 932 shall be filed with the amended return or claim for credit or refund, as the case may be, and the consent shall be to the regulations which, at the time of the filing of the consent, are applicable to the taxable year for which such consent is filed."

PAR. 4. There is inserted immediately preceding § 29.22 (b) (10)-1 the following:

SEC. 304. INCOME FROM DISCHARGE OF INDEBTEDNESS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Amendment of section 22 (b) (10).* Section 22 (b) (10) (relating to income from discharge of indebtedness of a railroad corporation) is hereby amended by striking out "December 31, 1951" and inserting in lieu thereof "December 31, 1954"

PAR. 5. Section 29.22 (b) (10)-1, as amended by Treasury Decision 5839, is further amended by striking from the first sentence and from the last sentence "January 1, 1952" and inserting in lieu thereof in each instance "January 1, 1955"

PAR. 6. Section 29.113 (b) (3)-1 as amended by Treasury Decision 5402, approved September 5, 1944, is further amended by inserting immediately following the paragraph thereof denominated (e) the following:

(f) Effective with respect to a discharge of indebtedness occurring within a taxable year ending after December 31, 1950, except in the case of a consent filed prior to the effective date of the Treasury decision which adds this paragraph (f) to the regulations, any reduction in basis which remains to be taken (by reason of an exclusion from gross income under section 22 (b) (9)) after the application of (1) shall be applied first against property of a character subject to the allowance for depreciation under section 23 (l) property with respect to which a deduction for amortization is allowable under section 23 (f) and property with respect to which a deduction for depletion is allowable under section 23 (m) (but not including property specified in section 114 (b) (2) (3) or (4)) in the order in which such property is described in subparagraphs (2) and (3) of this paragraph. Any further adjustment in basis required to be made under section 22 (b) (9) shall be

[2] Commissioner Carretta not participating for the reason that oral argument on respondents' appeal from the initial decision of the hearing examiner was heard prior to his appointment to the Commission.

applied against other property in the order prescribed in subparagraphs (2), (3) and (4) of this paragraph.

PAR. 7. Section 29.113 (b) (3)–2 is amended as follows:

(A) By inserting immediately after the second sentence of paragraph (a) thereof the following: "Such adjustment, however, shall be consistent with the principles of § 29.113 (b) (3)–1 (f) where the discharge of indebtedness occurs within a taxable year ending after December 31, 1950."

(B) By striking the first sentence of paragraph (b) and inserting in lieu thereof the following: "A request for variations from the general rule prescribed in § 29.113 (b) (3)–1 shall be filed by the taxpayer with its return for the taxable year in which the discharge of indebtedness occurred unless a consent is permitted (under § 29.22 (b) (9)–1) after the original return has been filed, in which case such request shall be filed with the amended return or claim for credit or refund, as the case may be."

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 2, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-3016; Filed, Apr. 7, 1953; 8:52 a. m.]

[T. D. 6004; Regs. 111, 130]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

DEFINITION OF TERM "MINING" AND COMPUTATION OF GROSS INCOME FROM MINING

On November 15, 1952, notice of proposed rule making with respect to amendments conforming the income tax and excess profits tax regulations to section 207 of the Revenue Act of 1950, approved September 23, 1950, and to section 304 (d) of the Excess Profits Tax Act of 1950, approved January 3, 1951, was published in the FEDERAL REGISTER (17 F. R. 10467) After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following amendments to Regulations 111 and Regulations 130 are hereby adopted:

PARAGRAPH 1. Section 29.23 (m)–1 (f) of Regulations 111, as amended by Treasury Decision 5461, approved July 9, 1945, is further amended as follows:

(A) By inserting at the end of the second undesignated paragraph thereof (which paragraph begins with the words "In the case of a crude mineral product") the following:

For taxable years beginning after December 31, 1949, the term "mining" as used herein also includes so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles, and, if the Commissioner finds that both the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills, the transportation over such greater distance. The taxpayer shall file an original and one copy of an application for the inclusion of such greater distance in the computation of his gross income from mining with the Commissioner of Internal Revenue, Washington 25, D. C., attention of the Special Technical Services Division, Engineering and Valuation Branch. The application must include a statement setting forth in detail such facts concerning the physical and other requirements for the construction and operation of a treatment plant at a place nearer to the point of extraction from the ground as are sufficient to apprise the Commissioner of the exact basis of the application. If the taxpayer's return is filed prior to receipt of notice of the Commissioner's action upon the application, a copy of such application shall be attached to the return. If, after an application is approved by the Commissioner, there is a material change in any of the facts relied upon in such application, a new application must be submitted by the taxpayer.

(B) By inserting in the third undesignated paragraph thereof, after the words "transportation of such product" in the first sentence and after the word "transportation" in the second sentence, the following: "(other than transportation treated, for the taxable year, as mining)" and by inserting at the end of such paragraph the following new sentence: "For a description of transportation which is treated, for taxable years beginning after December 31, 1949, as mining, see the preceding paragraph and section 114 (b) (4) (B) as amended."

(C) By striking the word "In" at the beginning of the first undesignated paragraph following subparagraph (4), and by inserting in lieu thereof the following: "For taxable years beginning before January 1, 1950, in"

(D) By inserting immediately after the first sentence of the first undesignated paragraph following subparagraph (4) the following:

For taxable years beginning after December 31, 1949, in determining "gross income from the property" the sale price of the product shall not be reduced by the costs and proportionate profits attributable to the transportation which is treated for such taxable year as mining, that is, so much of the transportation or ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles (or, if the Commissioner finds that both the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills, such greater distance) Where such plants or mills are in excess of 50 miles (or of such greater distance) from the point of extraction from the ground, then costs incurred for transportation in excess of 50 miles (or of such greater distance) to the treatment plant and, if transported by the taxpayer, the proportionate profits attributable to such excess transportation should be subtracted from the sale price of the product to determine "gross income from the property" In the absence of methods which will clearly reflect costs of the various phases of transportation, the costs attributable to such excess transportation shall be an amount which is in the same ratio to the costs incurred for the total transportation to the treatment plant as the excess transportation is to such total transportation.

PAR. 2. There is inserted immediately before § 29.114–1 of such regulations the following:

SEC. 207. PERCENTAGE DEPLETION (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation from mine.* The second sentence of section 114 (b) (4) (B) (relating to the definition of gross income from property) is hereby amended to read as follows: "The term 'mining' as used herein shall be considered to include not merely the extraction of the ores or minerals from the group but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products, and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills."

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years beginning after December 31, 1949.

SEC. 304. TECHNICAL AMENDMENTS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

* * * * *

(d) Section 114 (b) (4) (B) of such code [Internal Revenue Code] is hereby amended by striking out "731 and 735" and inserting in lieu thereof "450 and 453"

* * * * *

(g) The amendments made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

PAR. 3. Section 40.453–2 (j) (3) of Regulations 130 is amended as follows:

(A) By striking the words "taxpayer establishes to the satisfaction of the Commissioner that" in the second sentence of subdivision (i) and in the first sentence of subdivision (iv) and substituting in lieu thereof the following: "Commissioner finds that both"

(B) By striking the words "taxpayer fails to establish to the satisfaction of the Commissioner that" in the second sentence of subdivision (iv) and substituting in lieu thereof the following: "Commissioner does not find that both"

(C) By inserting at the end of subdivision (i) of such section the following: "See § 29.23 (m)–1 (f) of this chapter (Regulations 111) as to the application to be filed with the Commissioner with respect to transportation in excess of 50 miles."

(D) By inserting in subdivision (ii) thereof, after the words "transportation of such products" in the first sentence and after the word "transportation" in the second sentence, the following: "(other than transportation treated, for the taxable year, as mining)" and by inserting at the end of such subdivision the following new sentence: "For a description of transportation which is treated as mining, see subdivisions (i) (iv) and (ix) and section 114 (b) (4) (B) as amended."

(E) By inserting immediately preceding the last sentence of subdivision (iv) of such section the following: "See § 29.23 (m)–1 (f) of this chapter (Regulations 111) as to the application to be filed with the Commissioner with respect to transportation in excess of 50 miles. In the absence of methods which will clearly reflect costs of the various phases of transportation, the costs attributable to such excess transportation shall be an amount which is in the same ratio to the costs incurred for the total transportation to the treatment plant as the excess transportation is to such total transportation."

(F) By inserting immediately after subdivision (viii) of said section the following:

(ix) The provisions of subdivisions (i) (ii) and (iv) of this subparagraph with respect to transportation of ores or minerals in determining "gross income from the property" shall not be applicable in computing the tax for a taxable year beginning prior to January 1, 1950, and ending after June 30, 1950. In the case of such a taxable year, the provisions applicable to transportation of the ores or minerals shall be those provided in § 29.23 (m)–1 (f) of this chapter (Regulations 111) for taxable years beginning before January 1, 1950.

(53 Stat. 14, 32; 26 U. S. C. 23, 62)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 2, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-3017; Filed, Apr. 7, 1953; 8:52 a. m.]

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

PERSONAL REPRESENTATION IN LIEU OF COUNSEL, SUBPOENAS

1. Section 701.3 has been modified by the elimination of reference to "partnership" representation; as changed, the section reads as follows:

§ 701.3 *Personal representation in lieu of counsel.* Any individual taxpayer may appear for himself upon adequate identification to the Court. A taxpayer corporation may be represented by a bona fide officer of the corporation upon permission granted, in its discretion, by the Court or the Division sitting.

2. Section 701.44 has been changed to eliminate the "Application for Subpoena" and to provide a "Subpoena" form which contains a request for issuance of subpoena to be signed by applicant or counsel for applicant. Supplies of the new subpoena form are available upon request submitted to the Court. The revised rule reads as follows:

§ 701.44 *Subpoenas*—(a) *How issued.* The party desiring a subpoena must submit the original and three copies of the proposed subpoena to be issued by the Court. The applicant or his counsel must sign one copy as indicated on the form and this signature will be considered a request for the subpoena and assurance by the signatory that the subpoena is necessary to establish the cause of action or defense of the applicant. (For the required form see § 702.3 of this chapter.)

(b) *For a witness.* Each subpoena shall state the name and address of the witness required, the time and place at which and the officer (if not the Court) before whom he is to appear, and whether he may designate someone to appear in his place.

(c) *For production of documents.* If evidence other than oral testimony is required, such as documents or written data, the subpoena shall number, set forth separately, and describe adequately each item to be produced.

(d) *Service and proof.* The Court will not serve subpoenas, but will leave service to be procured by the party making the application. Service may be made by any citizen of the United States over the age of 21 years and competent to be a witness, and not a party to or in any way interested in the proceeding. Proof of service may be made by affidavit.

JOHN W. KERN,
Chief Judge,
The Tax Court of the United States.

APRIL 2, 1953.

[F. R. Doc. 53-2998; Filed, Apr. 7, 1953; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Amdt. 9]

DFO–3—AGRICULTURAL IMPORTS

TUNG NUTS AND TUNG OIL

Pursuant to the authority conferred by section 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2061 et seq.), and having determined that the following amendment of Defense Food Order 3, as amended (17 F. R. 6088, 8546, 11866; 18 F. R. 1726), is necessary or appropriate to carry out the provisions of said act and the amended determination made by the Secretary of Agriculture under section 104 of the act, said Defense Food Order 3, as amended, is further amended as hereinafter set forth. Defense Food Order 3, as hereby amended, imposes over the commodities covered by such determinations the import controls contemplated by the act and, to effectuate such determinations, must be made effective as soon as possible. The order affects numerous segments of the economy but consultation has been held, to the extent practicable within the limited time available, with such segments, including industry representatives.

SUMMARY OF AMENDMENT

Section 6 of Defense Food Order 3, as amended, provides that the Administrator will from time to time add commodities to or remove commodities from the list in Appendix A thereof in accordance with determinations by the Secretary of Agriculture under section 104 of the act. In order to implement the Secretary's amended determination, this amendment adds "Tung nuts (B)" and "Tung oil (china wood oil) (B)" to said Appendix A, thereby making tung nuts and tung oil (china wood oil) subject to the provisions of Defense Food Order 3, as amended, applicable to items followed by the (B) designation.

REGULATORY PROVISIONS

Defense Food Order 3, as amended (17 F. R. 6088, 8546, 11866; 18 F. R. 1726) is hereby amended by adding to Appendix A the listings "Tung nuts (B)" and "Tung oil (china wood oil) (B)" and their applicable Commerce Import Class Nos. and governing dates, in the manner indicated:

Commodity	Commerce import class No.	Governing date
Tung nuts (B)[1]	2229.300	Apr. 8, 1953
Tung oil (china wood oil) (B)[1]	2211.000	Do.

[1] Quantities in transit to the United States prior to the governing date may not be imported unless previous authorization is given pursuant to Defense Food Order 3, as amended.

This amendment shall become effective at 12:01 a. m., e. s. t., April 8, 1953. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Defense Food Order 3, as amended, prior to the effective date hereof, all the provisions of said Defense Food Order 3, as amended, in effect at the time when such violations occurred, rights accrued, liabilities were incurred, or appeals were taken shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NOTE: All reporting requirements of DFO–3 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 7th day of April 1953.

[SEAL] HOWARD H. GORDON,
Administrator, Production and Marketing Administration.

[F. R. Doc. 53-3022; Filed, Apr. 7, 1953; 11:59 a. m.]

[Defense Food Order 3, Sub-Order 3, Amdt. 5]

DFO–3—Agricultural Imports

SO–3—Statement of Policies and Procedures re Import Authorizations for Certain Commodities

Small plants; tung oil and tung nuts

Sub-Order 3, as amended (17 F. R. 6269, 8548, 10449, 11867; 18 F. R. 1726) containing a statement of the policies and procedures relating to import authorizations for certain commodities under Defense Food Order 3, as amended (17 F R. 6088, 8546, 11866; 18 F R. 1726) was issued pursuant to the authority vested by said Defense Food Order 3 under sections 101, 104, and 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2061 et seq.) This amendment to Sub-Order 3 should be issued promptly in order to make the benefits therefrom with respect to in transit shipments of tung nuts and tung oil available immediately, and to inform affected persons concerning the policies and procedures with respect to importations of tung nuts and tung oil. This amendment affects several segments of the economy, but consultation has been held, to the extent practicable within the limited time available, with such segments, including industry representatives.

Summary of amendment

The policies and procedures stated in Sub-Order 3 to Defense Food Order 3, as amended, with respect to the issuance of authorizations for the importation of controlled commodities are augmented to include those with respect to the importation of tung nuts and tung oil.

Regulatory provisions

Defense Food Order 3, Sub-Order 3, as amended (17 F R. 6269, 8548, 18449, 11867; 18 F R. 1726) is hereby amended in the following respects:

1. Delete paragraph (f) *Small plants* from section 1.

2. Add the following new paragraphs (f) and (g) to section 1.

(f) *Tung oil (china wood oil) and tung nuts.* For purposes of subparagraphs (1) (2), and (3) of this paragraph, 6.5 pounds of tung nuts will be equivalent to 1 pound of tung oil.

(1) Any importer who is desirous of receiving authorizations to import tung oil or tung nuts, and who imported any such product during the base period April 1, 1952–March 31, 1953, must submit by May 1, 1953, documentary evidence satisfactory to the Director showing imports of each such product through customs made in his own name as the importer of record during the specified base period. The total quota for tung oil and tung nuts will be apportioned among, and import authorizations will be issued to, individual importers on the basis of the proportion of total imports in the base period of tung oil and the tung oil equivalent of tung nuts by each importer, and such other factors as must be considered to avoid inequities.

(2) Authorizations totaling not in excess of 50,000 pounds, in the aggregate, of tung oil and the tung oil equivalent of tung nuts will be granted for the importation of tung oil or tung nuts prior to July 1, 1953, to small independent enterprises which are in the business of importing drying oils or drying oilseeds and which are not entitled to any import authorizations under subparagraph (1) of this paragraph. The amount authorized for any applicant under this subparagraph will not exceed 1,000 pounds, in the aggregate, of tung oil and the tung oil equivalent of tung nuts. Applications for authorizations under this subparagraph must state the size and nature of the applicant's business enterprise, and be submitted not later than May 1, 1953.

(3) Any importer who is eligible for an authorization under subparagraph (1) or (2) of this paragraph will be authorized to import either tung oil or tung nuts upon application to the Director.

(4) Any quantity of tung oil or tung nuts in transit to the United States prior to 12:01 a. m., e. s. t., April 8, 1953, may be imported into the United States prior to July 1, 1953, when approved by the Director. An application for any such importation shall be submitted to the Director with documentary evidence establishing the intransit status of the product. The amount of any such importation shall not be charged against the quantity of tung oil or tung nuts otherwise authorized for importation pursuant to this paragraph.

(g) *Small plants.* Import authorizations for the commodities and products specified in paragraphs (a) (c) (d) (e) and (f) of this section will be issued to small plants as required by section 714 of the Defense Production Act of 1950, as amended.

3. Delete that part of section 2 (b) (1) which precedes the sentence beginning with the words "This statement must show" and insert, in lieu thereof, the following: "The evidence required by section 1 (c) (1) for cheese, or by section 1 (f) (1) for tung oil and tung nuts, should be submitted as a part of applications for import authorizations for such products under such subparagraphs. The applicant must submit a summary statement of his importations during the period specified in section 1 (c) (1) or section 1 (f) (1) as the case may be, of the particular products.

This amendment shall become effective at 12:01 a. m., e. s. t., April 8, 1953.

(Sec. 704, 64 Stat. 816; 65 Stat. 139; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 7th day of April 1953.

[SEAL] R. H. Roberts,
Acting Director Office of Requirements and Allocations.

[F. R. Doc. 53-3084; Filed, Apr. 7, 1953; 11:59 a. m.]

[Import Determination re DFO–3, Revision 3, Amdt. 2]

Determination Relating to Imports Under Defense Production Act

Tung nuts and tung oil

On December 29, 1952 (17 F R. 11868), the Secretary of Agriculture made a determination, pursuant to the authority vested in him by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2074), relating to certain imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States. On March 21, 1953 (18 F R. 1726), the Secretary issued an amendment to such determination. Such determinations were made upon the basis of facts then available and, as stated therein, are subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act. Upon the basis of facts available at present, it is hereby determined that the revision, as hereinafter set forth, of the determination of December 29, 1952, as amended, is necessary or appropriate in effectuating the purposes of the act.

The Import Determination re DFO–3, Revision 3, as amended (17 F R. 11868; 18 F R. 1726) is hereby revised in the following respects:

1. Add the following at the end of the list of commodities and products in section 1.

Tung nuts.[23]
Tung oil (china wood oil).[24]

2. Add the following footnotes 23 and 24 to section 1.

[23] Commerce Import Class No. 2239.300.
[24] Commerce Import Class No. 2241.000.

3. Redesignate paragraphs (j) and (k) of section 2 as (l) and (m)

4. Add the following new paragraphs (j) and (k) to section 2:

(j) During the period from April 8, 1953, through June 30, 1953, tung oil (china wood oil) and tung nuts, in an aggregate quantity not in excess of 2,000,000 pounds of tung oil and the oil equivalent of tung nuts, exclusive of the quantity of such oil and nuts in transit to the United States prior to such period;

(k) During the period from April 8, 1953, through June 30, 1953, any tung oil (china wood oil) or tung nuts in transit to the United States prior to such period;

The provisions hereof shall become effective at 12:01 a. m., e. s. t., April 8, 1953. The determinations of December 29, 1952 (17 F R. 11868) and March 21, 1953 (18 F R. 1726) under section 104 of the Defense Production Act of 1950, as amended, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding concerning any violation, right accrued, liability incurred, or appeal taken under or with respect to said determinations or Defense Food

Order 3, issued August 9, 1951, as amended (16 F. R. 7934, 8272; 17 F. R. 4490, 5829, 6088, 8546, 11866; 18 F. R. 1726) prior to the effective date hereof.

(Sec. 704, 64 Stat. 816; 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued at Washington, D. C., this 6th day of April 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-3083; Filed, Apr. 7, 1953; 11:59 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PARCELS ADDRESSED TO CERTAIN A. P. O.'S

In § 34.95 *Parcels addressed to certain A. P O.'s* make the following changes:

1. Amend paragraph (a) (1) to read as follows:

(1) *Customs forms required.* Parcels addressed to the following military post offices shall not be accepted for mailing unless accompanied with a customs declaration on Form 2966 or 2976–A.

Care Postmaster, New York, N. Y..
A. P. O. 10, 11, 16, 17, 21, 22, 30, 44, 55, 58, 83, 113, 117, 118, 119, 120, 122, 124, 125, 125–B, 126, 127, 129, 147, 163, 167, 179, 195, 196, 197, 198, 199, 202, 202–A, 205, 211, 213, 215, 216, 217, 219, 233, 236, 237, 238, 241, 242, 349, 755.
Care Postmaster, New Orleans, La..
A. P. O. 825, 827, 828, 829, 831, 832, 834, 835, 836, 837.
Fleet Post Office, New York, N. Y..
Navy Nos. 121, 122, 188, 214, 720.

2. Amend the list of A. P. O.'s in paragraph (b) (1) by deleting A. P. O. number "36" and inserting the following A. P. O. numbers in proper chronological order:

170, 199. 202, 202–A, 233, 236, 237, 238, 241, 242, and 751.

3. Amend the list of A. P. O.'s in paragraph (b) (4) by deleting A. P. O. number "36" and by inserting the following A. P. O. numbers in proper chronological order:

170, 183 and 751.

4. Amend paragraph (b) (5) to read as follows:

(5) Parcels addressed to A. P. O.'s 22, 120, 124, 125, 125–B, 126, 127, 129, 147, 179, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 202, 202–A, 233, 236, 237, 238, 241, 242, and 755 shall not exceed 50 pounds in weight and are subject to the following restrictions:

(i) Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal effects, or items for personal use intended for military personnel or their dependents. Where the contents of a parcel meet the foregoing requirements the mailer should place a certification similar to the following on the customs form under the heading, Description of Contents: "Certified to be a bona fide gift, personal effects, or items for personal use of military personnel and dependents thereof."

(ii) The following articles may not be accepted:

(*a*) Securities.
(*b*) Precious metals.
(*c*) Currency.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ROSS RIZLEY,
Solicitor.

[F. R. Doc. 53-2983; Filed, Apr. 7, 1953; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

IRELAND (EIRE), JAPAN, AND URUGUAY

a. In § 127.281 *Ireland (Eire)* make the following changes:

1. Amend subdivision (ii) of paragraph (a) (8) to read as follows:

(ii) Banknotes of Great Britain and Northern Ireland, unless authorized by the Minister of Finance, Dublin.

2. Add the following subdivision to paragraph (a) (8)

(iii) Except as samples, live bees, leeches, and silkworms; liquids and substances for analysis or medical examination; and pathological specimens, are prohibited.

b. In § 127.286 *Japan* (17 F. R. 4206, 4675) amend paragraph (b) (5) by striking out subdivision (vi) and redesignating (vii) (viii) (ix) (x) and (xi) as (vi) (vii) (viii), (ix) and (x), respectively.

c. In § 127.374 *Uruguay* amend paragraph (b) (7) to read as follows:

(7) *Observations.* (i) Parcel-post shipments exceeding 100 Uruguayan pesos (about $55) in value, mailed in cities where Uruguayan consuls are stationed, require a combined form of consular invoice and certificate of origin, four copies of which must be submitted to the Uruguayan consul for legalization, accompanied by a copy of the shipper's commercial invoice. For shipments mailed from places where no Uruguayan consuls are stationed, the foregoing formality is not required; however, a copy of the commercial invoice must then be enclosed in the parcel. Shipments not exceeding 100 Uruguayan pesos in value may be mailed from any post office without the above formality. Uruguayan consuls are stationed in the following cities: Baltimore, Md., Boston, Mass., Buffalo, N. Y., Chicago, Ill., Charleston, S. C., Cleveland, Ohio; Galveston, Tex., Jacksonville, Fla., Los Angeles, Calif., Miami, Fla., New Orleans, La., New York, N. Y., Norfolk, Va., Philadelphia, Pa., Portland, Oreg., San Francisco, Calif., San Juan, P. R., Seattle, Wash., Tallahassee, Fla., Washington, D. C.

(ii) Each addressee of a parcel exceeding 10 Uruguayan pesos in value must obtain an import permit.

(iii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ROSS RIZLEY,
Solicitor.

[F. R. Doc. 53-2989; Filed, Apr. 7, 1953; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 101—RAIL AND WATER CARRIER PASSES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of March A. D. 1953.

The matter of records to be maintained of persons transported free or at reduced rates being under consideration pursuant to provisions of section 20 of the Interstate Commerce Act, as amended (34 Stat. 593, 49 U. S. C. 20) and,

It appearing, that certain modifications in the Regulations To Govern the Forms and Recording of Passes, Issue of 1951, are necessary for proper administration of the provisions of Part I and Part III of the act; and,

It further appearing, that the modifications under consideration are designed to relax certain requirements of such regulations, without imposing on any carrier subject thereto the necessity for departing from present recording practices, and, therefore, do not constitute proposed rule making within the intent of section 4 of the Administrative Procedure Act; and good cause appearing: It is ordered, that:

(1) *Modifications.* The modifications which are set forth below and made a part hereof shall become effective July 1, 1953.

(2) *Notice.* A copy of this order with the modifications set forth below shall be served on every carrier by railroad subject to the act, including those independently operated as electric lines; on every sleeping car company and on every carrier by water subject to the act; and notice of this order shall be given to the general public by depositing a copy thereof with the attached modifications in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the FEDERAL REGISTER.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

1. Cancel the provisions in § 101.6 *Signatures of issuing officers,* and § 101.7 *Facsimile signatures on passes,* and substitute the following for them:

§ 101.6 *Signature of issuing officers.* Each pass (except a telegraph pass) must bear the signature of an issuing officer named in the list referred to in paragraph (a) of § 101.3. This signature may be an autograph or a facsimile printed on the pass, or it may be impressed by a mechanical device or by any other means. Since the carrier has the obligation to safeguard the authenticity of passes, the carrier may also determine if this can be done more expeditiously than by autograph signatures. If the carrier requires a countersignature by a subordinate designated on the pass, such countersignature may also be affixed by any method acceptable to the issuing carrier.

2. Cancel the provisions of § 101.27 *Signature on pass requests,* and § 101.28 *Facsimile signatures on pass requests,* and substitute the following for them:

§ 101.27 *Signature on pass requests.* Requests for passes for or on account of officers or employees of a carrier subject to this part, other than the carrier issuing the pass, must be over the signature of an officer named in the list referred to in paragraph (b) of § 101.3. If this signature is not an autograph, the method of affixing it must satisfy the carrier honoring the request that the request is by authority of the designated officer.

3. Cancel the provisions of § 101.69 *Passes issued jointly by two or more carriers,* and substitute the following for them:

§ 101.69 *Passes issued jointly by two or more carriers.* A pass issued jointly by two or more carriers must show, in space provided for "Name of carrier," the names of the carriers concerned in such pass, and must also bear the signature of an officer named in the list referred to in paragraph (a) of § 101.3, of each of the carriers interested. (See § 101.6 in the matter of signatures by officers.)

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

[F. R. Doc. 53-3012; Filed, Apr. 7, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

ALPHA-ACETYLMETHADOL, AND OTHER DRUGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the provisions of section 1 of the act of March 8, 1946 (60 Stat. 38; 26 U. S. C. 3228) section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and by virtue of the authority vested in me by the Secretary of the Treasury (12 F. R. 1480) that a determination is proposed to be made that each of the following-named new drugs has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

α-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane (alpha-acetylmethadol).
α-6-dimethylamino-4,4-diphenyl-3-heptanol (alpha-methadol).
β-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane (beta-acetylmethadol).
3-Dimethylamino-1,1-di-(2-thienyl)-1-butene.
3-Ethylmethylamino-1,1-di-(2-thienyl)-1-butene.

Consideration will be given to any written data, views, or arguments, pertaining to the addiction-forming or addiction-sustaining liability of each of the above-named drugs, which are received by the Commissioner of Narcotics prior to May 4, 1953. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of any of the above-named drugs will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street, NW., Washington 25, D. C., at 10:00 a. m., May 4, 1953: *Provided,* That such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommedation to the Secretary of the Treasury for a finding under section 1 of the act of March 8, 1946.

(60 Stat. 38; 26 U. S. C. 3228)

[SEAL] G. W CUNNINGHAM,
Acting Commissioner of Narcotics.

[F. R. Doc. 53-3018; Filed, Apr. 7, 1953; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 988]

[Docket No. AO-195-A5]

HANDLING OF MILK IN KNOXVILLE, TENNESSEE, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Knoxville, Tennessee on February 16-17, 1953, pursuant to notice thereof which was issued February 11, 1953 (18 F R. 846) A decision with respect to proposed amendments to certain pricing provisions of the order considered at this hearing was issued March 6, 1953. The findings and conclusions with respect to the issues dealt with herein were deferred pending further consideration and issuance of this recommended decision.

The material issues of record remaining for consideration are as follows:

(1) A revision of the definition of base milk;

(2) A provision for monthly reports to be furnished by the market administrator to a cooperative association showing for each handler the percentage classification in each class of milk received from association members;

(3) A redesignation of inventory variations as Class I milk instead of Class II milk.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and record thereof:

1. The method of computing monthly base quantities of milk applied during the base operating period should be changed.

The producers association proposed that each producer's base quantity should be determined by multiplying the daily base previously established by such producer by the number of days in the delivery period, rather than by the number of days on which deliveries of milk are made. They proposed this change to facilitate the computations of individual producer's bases used in the monthly payments for milk of their members. Producers testified that nearly all of the adjustments which are required in the payments to their members result from errors in the reporting of the number of days of delivery. The use of the number of days in the delivery

period also would permit handlers and the association to make these computations well in advance of the date for making payments. Under the present method they must await completion of producer delivery reports. Such reports cannot be made available to the association until a few days prior to making payments to their members. Under the proposed change, individual producers will receive full credit for their established bases for each delivery period during the base operating period even though deliveries are not made each day. Producers favored this change also because it would tend to give individual producers somewhat more freedom in disposing of seasonal reserve milk by diversion directly to manufacturing outlets or by use on the farm. It is concluded, therefore, that the definition of base milk should be revised to provide for computation of base quantities on the basis of the number of days in the delivery period.

2. The order should be amended to provide for monthly reports to be furnished by the Market Administrator to a cooperative association showing for each handler the percentage classification in each class of milk received from association members.

The Knoxville Producers' Association exercises authority over the movement and sale of a substantial portion of the total receipts of milk from producers. This organization has been active in allocating milk among handlers by transferring producers both on a temporary and permanent basis and by transfers of truckloads of milk among handlers. Monthly utilization reports would enable the association to perform more fully the function of allocating milk among handlers, and would facilitate the movement of excess milk to the highest priced available outlets. Such practices are helpful to both producers and handlers in promoting more orderly marketing.

Producers at the hearing revised their original proposal to provide that the Market Administrator also include in the report the relationship of total producer receipts to gross Class I sales for each handler. Handlers testified that they had no objections to the Market Administrator furnishing this information to the association, provided that it would be maintained on a confidential basis by the association. Primarily, the function of the Market Administrator is to release market information to the public without identification of individuals involved. Under the condition stated by the handlers, the requested information could not be made public. Since the handlers appear to have no objection to the cooperative having this information, this problem, therefore, appears to be one which more appropriately should be made the subject of direct negotiation between handlers and the association.

In supplying the information on the classification of association members' milk, such milk should be prorated to each class in the proportion that the total receipts of producer milk were used in each class by such handler. This information will be available to the Market Administrator on or before the 15th day after the end of each delivery period from handler's regular reports.

3. Inventory variations of fluid milk and cream and fluid milk products should be redesignated as Class I milk and frozen cream should be classified as Class II milk.

Under the present order, variations between the beginning and ending inventories held by handlers of bulk milk and cream, and bottled milk and milk products are designated Class II milk. Because other source milk is received during some delivery periods, it has been necessary to maintain separate inventory accounts for producer and other source milk. Handlers proposed that inventory variations be designated Class I milk.

Handlers favor the classification of inventory variations as Class I milk to simplify the accounting procedure and to provide for the reclassification, on a current basis, of milk from inventory which is used in another class. Any such reclassification would be made through the regular monthly classification procedure. Most of the milk which will be carried in inventory will be disposed of as Class I milk. Thus, the amount of milk that might be subject to reclassification will be at a minimum. Over a period of time, the proposed change will have very minor, if any, effect on the returns to producers.

The question as to whether frozen cream should be included in inventory or be considered a Class II product, was discussed on the record. At least one handler frequently stores frozen cream for later use in ice cream. Because ice cream is a Class II use and is the principal, if not the only use made of such cream, it is reasonable that skim milk and butterfat contained in frozen cream should be classified as a Class II product. Any quantity of such cream which later may be devoted to a Class I use, would be subject to reclassification under the order provisions.

It is concluded, therefore, that the definitions of the classes of milk should be amended to designate inventory variations as Class I milk and to include frozen cream as a Class II milk product.

No briefs were submitted by interested parties with respect to proposed findings and conclusions on the foregoing issues.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the Knoxville marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. In § 988.18 delete "such producer delivered milk to such handler" and the proviso following thereafter.

2. Add a new section to read as follows:

§ 988.34 *Reports to cooperative associations.* On or before the 15th day after the end of each month, the market administrator shall report to each cooperative association as described in § 988.88 (b) upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

3. In § 988.41 (a) delete "ice cream mix and (2)" and substitute therefore "frozen cream and ice cream mix; (2) in inventory variation; and, (3)"

4. In § 988.41 (b) delete "(2) in inventory variation" and renumber "(3)" "(4)" and "(5)" as "(2)", "(3)" and "(4)" respectively.

5. In § 988.45 (a) (1) delete "(4)" and substitute therefore "(3)"

Issued this 3d day of April 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-3022; Filed, Apr. 7, 1953; 8:54 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

OSAKA SHOSEN KAISHA, LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7898 between Osaka Shosen Kaisha, Ltd., and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from designated areas in the Far East to Puerto Rico, with transhipment at specified U. S. Pacific Coast ports.

(2) Agreement No. 7902 between the carriers comprising A. P. Moller, Maersk Line joint service and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from designated areas in the Far East to Puerto Rico, with transhipment at specified U. S. Pacific Coast ports.

(3) Agreement No. 7905 between the carriers comprising A. P. Moller-Maersk Line joint service and Waterman Steamship Corporation covers the transportation of cargo under through bills of lad-

ing from specified areas in the Far East to Puerto Rico, with transhipment at designated U. S. Pacific Coast ports.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 3, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 53-3021; Filed, Apr. 7, 1953; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 62293]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM DESCHUTES PROJECT

APRIL 1, 1953.

An order of the Bureau of Reclamation dated July 23, 1951, concurred in by the Director, Bureau of Land Management, August 7, 1951, revoked the Departmental order of November 30, 1938, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388) the following described lands in connection with the Deschutes Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 15 S., R. 13 E.,
Sec. 21, SE¼NE¼, NE¼SE¼,
Sec. 22, NE¼SW¼NW¼.

The above areas aggregate 90 acres.

The NE¼SW¼NW¼ section 22 is patented land. The lands in section 21 are chiefly valuable for recreational purposes. It is unlikely that they will be classified for any other use or disposition, but any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not become effective to change the status of said lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747 43 U. S. C. 279-284) as amended.

Information showing the periods during which and conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land Office, Portland, Oregon.

WILLIAM PINCUS, *Assistant Director*

[F. R. Doc. 53-2987; Filed, Apr. 7, 1953; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-822]

SIERRA TRADING CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 2, 1953.

The Los Angeles Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Capital Stock, 25 Cents Par Value, of Sierra Trading Corporation.

The application alleges that the reasons for striking this security from listing and registration on this exchange are:

(1) The applicant exchange conducted a review of the affairs of this issuer which indicated that the issuer is without funds and is carrying on no operations at the present time.

(2) This issuer has failed to furnish to its shareholders periodic statements that are required by the rules of applicant exchange.

(3) The president of this issuer, under date of February 25, 1953, advised this exchange by letter as follows:

* * * In the immediate future I do not see any possibility of its [the issuer] being rehabilitated. Accordingly, I believe it would be advisable to remove the stock entirely from trading.

We are confronted with the problem that there apparently are shares being traded in without any foundation or justification therefor, and the company is without sufficient funds to provide for a Registrar.

Applicant exchange suspended the above security from trading on November 27, 1951.

Upon receipt of a request, prior to April 22, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2994; Filed, Apr. 7, 1953; 8:47 a. m.]

[File No. 70-2829]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING AND ORDER FOR HEARING WITH RESPECT TO PROPOSED SALES OF LEASED PROPERTIES OF EASTERN NEW YORK POWER CORPORATION

APRIL 2, 1953.

Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES") a registered holding company, on March 19, 1952, having filed a declaration herein pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-44 thereunder, and in furtherance of the enforcement proceedings now pending in the United States District Court for the District of Massachusetts ("the Court") under section 11 (d) of the act, regarding the contemplated sale, inter alia, of the properties of Eastern New York Power Corporation ("ENYP"), a wholly owned subsidiary of IHES; and

The Commission, after due notice and hearing, having on June 5, 1952, entered its findings and opinion herein approving the Trustee's proposed acceptance of certain offers for said properties, subject to review and approval by the Commission and the Court of the definitive contracts when executed; and

The Trustee on March 12, 1953, having filed an amendment to said declaration proposing to consummate sales of ENYP's Hudson River hydro-electric properties, together with certain lands and water rights owned by ENYP on the Grass and Black rivers, to Niagara Mohawk Power Company, and proposing also to consummate sales of ENYP's Saranac Division properties to New York State Electric & Gas Corporation; and the Commission having issued a supplementary notice and opportunity for hearing with respect thereto; and

The Trustee on March 30, 1953, having filed a further amendment to said declaration proposing to consummate definitive contracts for the sale of the remaining properties of ENYP (except its interest in the Ram Island Power Company, which is alleged to be worthless) as follows:

(1) Contract dated March 24, 1953, whereby IHES will cause ENYP to sell and convey to the Trustees of Dartmouth College certain properties covered by leases to International Paper Company, together with ENYP's interest in said leases, and other properties as specified in said contract, for a cash consideration of $9,790,000;

(2) A second contract dated March 24, 1953, whereby IHES will cause ENYP to sell and convey to Paul Smith's Electric Light and Power and Railroad Company the properties covered by the so-called Piercefield Lease, together with

ENYP's interest in said lease, and other properties as specified in said contract, for a cash consideration of $295,000.

By mutual agreement, said contracts supersede a prior contract between the Trustee and International Paper Company covering the same properties.

The Trustee requests the Commission to approve said contracts and to authorize him to consummate same, subject to the approval of the Court and of any State regulatory authorities having jurisdiction in the premises.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the two contracts dated March 24, 1953, and that the amendment filed March 30, 1953, relating thereto should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said amendment of March 30, 1953, be held on the 14th day of April 1953 at 10 o'clock a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On said date the hearing room clerk in Room 193 will designate the room in which the hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings who has not already filed a notice of appearance herein shall file with the Secretary of this Commission, on or before April 13, 1953, a written request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the contemplated sales are necessary or appropriate, and constitute a feasible step, to effectuate the provisions of section 11 (b) (2) of the act and the Commission's order of July 21, 1942 thereunder.

2. Whether the several considerations to be received for the respective properties are reasonable.

3. Whether the accounting treatment of the proposed transactions is in accordance with sound accounting principles.

4. Whether the fees and expenses to be paid by IHES or its subsidiaries in connection with the proposed transactions are reasonable.

5. Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the act and the rules and regulations promulgated thereunder, and whether it is necessary or appropriate in the public interest and for the protection of investors or consumers and to prevent the circumvention of the provisions of the act and the rules and regulations thereunder to impose any conditions in connection with any of the proposed transactions.

It is further ordered, That particular attention at said hearing be directed to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Bartholomew A. Brickley, Trustee, and to the Trustees of Dartmouth College, Paul Smith's Electric Light and Power and Railroad Company, and International Paper Company, and all other persons who have entered their appearance in behalf of preferred or Class A stockholders of IHES in the reorganization proceeding, File No. 54-164; and that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER, and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2993; Filed, Apr. 7, 1953; 8:46 a. m.]

[File No. 70-3004]

CENTRAL AND SOUTH WEST CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING FOR UNDERWRITING COMMON STOCK RIGHTS OFFERING, OVER SUBSCRIPTION PRICE FOR COMMON STOCK AND OVER FEES AND EXPENSES

APRIL 1, 1953.

Central and South West Corporation ("Central"), a registered holding company, having filed a declaration and amendments thereto, proposing that Central offer to its stockholders rights to subscribe for the purchase of 606,084 additional shares of its $5 par value common stock on the basis of one additional share for each fourteen shares of common stock now held, and also proposing to offer such shares as are not subscribed for by its stockholders to underwriters, pursuant to the competitive bidding requirements of Rule U-50, at the subscription price to be determined by Central, the underwriters' bids to specify an aggregate amount of compensation to be paid for their commitments; and

The Commission by order dated March 24, 1953, having permitted to become effective said declaration, as amended, subject to the condition, among others, that the proposed issuance and sale by Central of its common stock shall not be consummated until the results of the competitive bidding, pursuant to Rule U-50, and the proposed subscription price for the common stock, shall have been made a matter of record in this proceeding and a further order shall have been entered with respect thereto, and jurisdiction having been reserved therein over the payment of fees and expenses to be incurred in connection with all the proposed transactions; and

Central on April 1, 1953, having filed a further amendment to said declaration in which it is stated that Central has designated a subscription price of $20.50 per share for the additional shares of its common stock, has invited bids, pursuant to Rule U-50, with respect to the compensation to be paid the underwriters for purchasing, at the subscription price of $20.50 per share, the common stock not taken by subscription and has received the following bids:

Bidding group headed by—	Amount of compensation bid		Aggregate net proceeds to company [1]
	Per share	Aggregate	
Blyth & Co., Inc. and Smith, Barney & Co.	$0.1597	$115,000.00	$12,200,722.00
Lehman Bros. and Lazard Freres & Co.	.19	115,155.96	12,200,563.04
The First Boston Corp., and Merrill Lynch, Pierce, Fenner & Beane	.2024	151,500.00	12,243,222.00

[1] After deducting amount of compensation bid only.

The amendment having further stated that Central has accepted the bid of Blyth & Co., Inc. and Smith, Barney & Co., as set forth above; and

The record having been completed with respect to the estimated fees and expenses, other than legal fees and service company fees, to be incurred by Central in connection with the proposed sale of its common stock, which fees and expenses are estimated as follows:

S. E. C. registration fee	$1,500
Federal stamp tax	3,600
Printing registration statement, etc	21,000
Preparation of stock certificates and subscription warrants	3,300
Subscription agent's fees:	
Illinois Stock Transfer Co., Chicago agent [1]	8,200
Bankers Trust Co., New York agent [1]	11,500
Illinois Stock Transfer Co., transfer agent:	
Fees for issuance of subscription warrants, mailing of warrants and prospectus and issuing of stock	15,000
Postage	4,700
Guaranty Trust Co. of New York, transfer agent:	
Fee for issuance of certificates	2,400
Postage	150
Registrar	2,600
Accountants' fee (Arthur Andersen & Co.)	4,000
Blue sky costs and expenses	4,000
Counsel for company:	
Stevenson, Dendtler, Bailey & McCabe	12,000
Fees of Middle West Service Co	11,000
Legal fees of local counsel for subsidiaries	1,800
Miscellaneous expenses	3,250
Total	110,000

[1] Lowest of three bids.

It also appearing that the fee of Isham, Lincoln & Beale, counsel to the underwriters, to be paid by the pur-

chasers of the common stock, is $7,000; and

The Commission having examined said declaration, as further amended, and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said common stock, or the compensation to be paid the underwriters of the common stock offering; and it appearing to the Commission that the fees and expenses are not unreasonable, provided they do not exceed the amounts estimated; and it appearing appropriate to the Commission that the jurisdiction heretofore reserved (a) to consider the results of the competitive bidding with respect to the sale of the common stock, (b) over the proposed subscription price for the common stock and (c) with respect to the fees and expenses, other than legal fees and service company fees, be released:

It is ordered, That jurisdiction heretofore reserved (a) with respect to the matters to be determined as a result of competitive bidding in connection with the sale of common stock under Rule U-50, (b) over the proposed subscription price for the common stock and (c) with respect to fees and expenses other than legal fees and service company fees, be, and the same hereby is, released, and that said declaration, as further amended, be and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2996; Filed, Apr. 7, 1953; 8:47 a. m.]

[File No. 70-3007]

PUBLIC SERVICE CO. OF OKLAHOMA AND CENTRAL AND SOUTHWEST CORP.

SUPPLEMENTAL ORDER REGARDING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

APRIL 1, 1953.

Public Service Company of Oklahoma ("Public Service") and its parent, Central and South West Corporation ("Central") a registered holding company having filed a joint application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding a proposal by Public Service to issue and sell to its parent, Central, 100,000 additional shares of $10 par value common stock, and to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of First Mortgage Bonds, Series D __ Percent, due March 1, 1983; and

The Commission, at the request of applicants-declarants, having, by order dated March 24, 1953, reserved jurisdiction over the proposed issue and sale of common stock, and having approved the proposed issue and sale of the bonds, subject to the condition, among others, that the sale of said bonds not be consummated until the results of competitive bidding shall have been made a matter of record and a further order shall have been entered in the light of the record as so supplemented; and

Public Service having on April 1, 1953, filed a further amendment to said application-declaration in which it is stated that, in accordance with the order of March 24, 1953, said bonds have been offered for sale pursuant to the competitive bidding requirements of Rule U-50 and the following bids have been received:

Bidder	Annual interest rate	Price to public service (percent of principal)[1]	Annual cost to public service (percent)
Equitable Securities Corp.	3⅜	97.83	3.4923
Halsey, Stuart & Co. Inc.	3⅜	97.81	3.4934
Salomon Bros. & Hutzler.	3⅜	97.567	3.5068
The First Boston Corp.	3⅜	97.409	3.5155
White, Weld & Co. / Shields & Co.	3½	99.484	3.5280
Lehman Bros.	3½	99.3099	3.5375
Blyth & Co. Inc.	3½	99.09	3.5495

[1] Exclusive of accrued interest from March 1, 1953.

Such amendment further stating that Public Service has accepted the bid of Equitable Securities Corp. for the bonds as set forth above, and that the bonds are to be offered to the public at a price of 98.605 percent of the principal amount thereof, resulting in an underwriters' spread of 0.775 percent of the principal amount; and

The application as amended further stating that the fees and expenses are estimated at $33,500, including counsel fees and expenses and service company fees payable to Middle West Service Company, with respect to which the record is not complete; and

The Commission having examined said amendment and the record herein, and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, redemption prices thereof and the interest rate thereon, and the underwriters' spread with respect thereto; and the fees and expenses incurred and to be paid, other than legal fees and service company fees, appearing not unreasonable:

It is ordered, That the jurisdiction heretofore reserved in respect of the results of competitive bidding and the fees and expenses in connection with the sale of said bonds, except the legal fees and the service company fees, be, and it hereby is, released, and that said application, as amended, be, and it hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That the jurisdiction reserved in the Order of March 24, 1953, in respect of the proposal by Public Service to issue and sell to its parent Central and South West Corporation 100,000 additional shares of $10 par value common stock be, and it hereby is, continued.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2997; Filed, Apr. 7, 1953; 8:47 a. m.]

[File No. 70-3018]

NEW ORLEANS PUBLIC SERVICE, INC.

ORDER REGARDING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

APRIL 2, 1953.

New Orleans Public Service, Inc. ("New Orleans") a registered holding company, having filed an application and an amendment thereto pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions which are more fully set forth in the application, as amended:

New Orleans proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of its First Mortgage Bonds, ____ Percent Series, due 1983. The bonds are to be issued under New Orleans' Mortgage and Deed of Trust dated as of July 1, 1944, as supplemented and as to be supplemented by two supplemental indentures. The application states that the proceeds derived from the sale of bonds are to be used in connection with the company's construction program which, it is estimated, will require the expenditure of approximately $17,000,000 in the year 1953, and approximately $12,000,000 in the year 1954.

The interest rate of the bonds (which shall be a multiple of ⅛ of 1 percent and which shall not exceed 3¾ percent per annum) and the price (exclusive of accrued interest) to be paid the company for the bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount) will be fixed by proposals to be invited pursuant to Rule U-50.

The proposed transactions have been expressly authorized by the Commission Council of the city of New Orleans, the regulatory Commission having jurisdiction over New Orleans in the State in which the company is organized and doing business.

The application having been filed on March 12, 1953, an amendment thereto having been filed on March 31, 1953, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to the application, as amended, within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission, finding that New Orleans is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act, pursuant to the provisions of section 6 (b) and the Commission being of the opinion that it is appropriate to grant said application, as amended, without the imposition of terms and conditions other than those hereinafter stated:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application, as amended, be and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the following additional conditions:

1. That the proposed sale of bonds by New Orleans may not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by this Commission in the light of the record as so completed;

2. That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2991; Filed, Apr. 7, 1953; 8:46 a. m.]

[File No. 70-3027]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING REGARDING SALE OF FIRST MORTGAGE BONDS AND SHARES OF PREFERRED STOCK AT COMPETITIVE BIDDING

APRIL 2, 1953.

Notice is hereby given that an application has been filed with this Commission by Wisconsin Public Service Corporation ("Wisconsin") a public utility subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies. The applicant has designated section 6 (b) of the act and Rules U-24 and U-50, promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, (i) $8,000,000 principal amount of First Mortgage Bonds, ____ Percent Series due 1983, to be issued under and secured by Wisconsin's present indenture, dated as of January 1, 1941, as last supplemented on November 1, 1950, and as to be further supplemented by a Supplemental Indenture to be dated as of May 1, 1953, and (ii) 30,000 shares of its authorized but unissued preferred stock, $100 par value. The interest rate and dividend rate for the bonds and preferred stock, respectively, and the price to be paid the company for said securities will be determined by competitive bidding, except that the invitation for bids for the bonds will specify that the price to the company shall be not less than 100 percent nor more than 102.75 percent of the principal amount; and the invitation for bids for the preferred stock will specify that the price to the company shall be not less than $100 per share nor more than $102.75 per share.

Wisconsin proposes to use the proceeds from the sale of these securities to repay without premium $6,300,000 of short-term bank loans and the balance, estimated at approximately $4,700,000, to provide funds for current construction expenditures which are estimated at $10,500,000 for the year 1953.

The filing states that the issuance and sale of the proposed new bonds and preferred stock are subject to the approval of the Public Service Commission of Wisconsin. The company requests that the Commission issue its order herein on or before April 16, 1953, and that such order become effective upon issuance. The company also requests that the Commission shorten the period provided by Rule U-50 for invitation of bids for the new bonds and preferred stock to six days.

Notice is further given that any interested person may, not later than April 17, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 17, 1953, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2992; Filed, Apr. 7, 1953; 8:46 a. m.]

[File No. 814-51]

TRUSTEED FUNDS, INC.

NOTICE OF APPLICATION

APRIL 2, 1953.

Notice is hereby given that Trusteed Funds, Inc., 33 State Street, Boston, Massachusetts, has applied to this Commission for an order modifying the order issued pursuant to section 9 (b) of the Investment Company Act of 1940 on April 3, 1950 (I. C. Release No. 1444, April 4, 1950) The Applicant has requested such modification of said order of April 3, 1950, as will permit it to employ salesmen without a guaranty of a minimum salary and to employ part-time salesmen.

It appears from the application that in a civil action, entitled "Securities and Exchange Commission, Plaintiff v. Trusteed Funds, Inc., et al., Defendants," numbered 8622 on the civil action docket, commenced in the District Court of the United States for the District of Massachusetts on September 1, 1949, a final judgment was entered on September 9, 1949, upon the consent of the Applicant and of certain of the individual defendants permanently enjoining such persons from engaging in certain conduct and practices in violation of sections 5 (b) (2) and 17 (a) (1), (2), and (3) of the Securities Act of 1933, as amended, and section 35 (a) of the Investment Company Act of 1940. Pursuant to the provisions of section 9 (a) of said Investment Company Act of 1940, certain restrictions upon the activities of Applicant and of the other persons so enjoined became operative by reason of said judgment. A limited and conditional exemption from the provisions of section 9 (a) of said act was granted by the Commission to the Applicant by the above-mentioned order, dated April 3, 1950. It further appears that Applicant may not under the terms of said order of April 3, 1950, employ part-time salesmen or employ new salesmen without a guaranty of a minimum weekly salary during the initial period of their employment.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time on or after April 24, 1953, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 22, 1953, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-2935; Filed, Apr. 7, 1953; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5503]

SHULMAN, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Shulman, Inc., for a letter of registration as an air freight forwarder pursuant to Part 296 of the Board's Economic Regulations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned to be held on April 23, 1953, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 2, 1953.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 53-3020; Filed, Apr. 7, 1953; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27954]

CRUDE SULPHUR FROM SPINDLETOP TO FORT WORTH, HODGE AND NORTH FORT WORTH, TEX.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by Lee Doulass, for carriers parties to schedule listed below.

Commodities involved: Sulphur, crude, carloads.

From: Spindletop, Texas.

To: Fort Worth, Hodge and North Fort Worth, Texas.

Grounds for relief: Competition with rail carriers, to meet intrastate rates.

Schedules filed containing proposed rates: Lee Doulass, Agent, ICC No. 807, supl. 23.

Application for special permission will be filed to advance effective date of proposed rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3000; Filed, Apr. 7, 1953; 8:48 a. m.]

[4th Sec. Application 27955]

LATEX FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO MINNEAPOLIS AND MINNESOTA TRANSFER, MINN.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to Agent W P Emerson, Jr.'s, tariff ICC No. 417.

Commodities involved: Latex (liquid crude rubber) in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Minneapolis and Minnesota Transfer, Minn.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3001; Filed, Apr. 7, 1953; 8:48 a. m.]

[4th Sec. Application 27956]

DRUGS, CHEMICALS AND TOILET PREPARATIONS FROM CHICAGO, ILL., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Drugs, medicines, chemicals, and toilet articles, carloads.

From: Chicago, Ill., and points grouped therewith, North Chicago and North Chicago (Great Lakes) Ill.

To: New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 766.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3002; Filed, Apr. 7, 1953; 8:49 a. m.]

[4th Sec. Application 27957]

LARD AND RELATED ARTICLES FROM DUBUQUE AND DAVENPORT, IOWA, TO NEW ORLEANS AND BATON ROUGE, LA.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Lard, lard compounds and substitutes, cooking oils and related articles, carloads.

From: Dubuque and Davenport, Iowa.

To: New Orleans and Baton Rouge, La.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 776.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3003; Filed, Apr. 7, 1953; 8:49 a. m.]

[4th Sec. Application 27958]

SCRAP PAPER FROM BOSTON, GA., COOSA PINES AND SHEFFIELD, ALA., TO KALAMAZOO, MICH.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper, scrap or waste, carloads.

From: Boston, Ga., Coosa Pines and Sheffield, Ala.

To: Kalamazoo, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1257, supl. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3004; Filed, Apr. 7, 1953; 8:49 a. m.]

[4th Sec. Application 27959]

ACETIC ACID AND ANHYDRIDE FROM KINGS MILL, TEX., TO THE SOUTH

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, carloads.

From: Kings Mill, Texas.

To: Specified points in southern territory named in exhibit 1 of the application.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3967, supl. 217.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3005; Filed, Apr. 7, 1953; 8:49 a. m.]

[4th Sec. Application 27960]

CRUDE AND REFINED SULPHUR FROM SPINDLETOP, TEX., TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Sulphur, crude and refined, carloads.

From: Spindletop, Texas.

To: Points in southern and official territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 4020, supl. 26; F. C. Kratzmeir, Agent, ICC No. 3987, supl. 76; F. C. Kratzmeir, Agent, ICC 3571, supl 254.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3006; Filed, Apr. 7, 1953; 8:49 a. m.]

[4th Sec. Application 27961]

CRUSHED STONE FROM DAN TO GLYNCO, GA.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers named on page 2 of the application.

Commodities involved: Stone, limestone, granite or marble, broken or crushed, carloads.

From: Dan, Ga.

To: Glynco, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 998, supl. 229.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3007; Filed, Apr. 7, 1953; 8:49 a. m.]

[4th Sec. Application 27962]

CRUSHED STONE FROM DAN TO GRUBBS, GA.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers named on page 2 of the application.

Commodities involved: Stone, limestone, granite or marble, broken or crushed, carloads.

From: Dan, Ga.

To: Grubbs, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 998, supl. 229.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3008; Filed, Apr. 7, 1953; 8:50 a. m.]

[4th Sec. Application 27963]

LOGS FROM BLUE RIDGE AND ELLIJAY, GA., TO PARIS, S. C.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and other carriers named on page 2 of the application.

Commodities involved: Logs, native wood, carloads.

From: Blue Ridge and Ellijay, Ga.

To: Paris, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1293, supl. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3009; Filed, Apr. 7, 1953; 8:50 a. m.]

[4th Sec. Application 27964]

COAL FROM CERTAIN MINES TO ROCHESTER, N. Y.

APPLICATION FOR RELIEF

APRIL 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Pennsylvania Railroad Company for itself and on behalf of the Reading Company.

Commodities involved: Anthracite coal, prepared sizes, including briquettes, carloads.

From: Mines described in Reading Company tariff ICC No. A-390.

To: Rochester, N. Y.

Grounds for relief: Competition with rail carriers, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3010; Filed, Apr. 7, 1953; 8:50 a. m.]

[No. 31219]

CALIFORNIA INTRASTATE RAILROAD FREIGHT RATES AND CHARGES

In the matters of (1) hearing reassignment, and (2) directing interchange of prepared material prior to hearing.

The Public Utilities Commission of California and others having requested postponement of the hearing, and good cause therefor appearing:

It is ordered, That the hearing now assigned herein before Examiner Claude A. Rice at San Francisco, Calif., on April 13, 1953, be, and it is hereby, cancelled;

It is further ordered, That this proceeding be, and it is hereby, reassigned for hearing on May 27, 1953, at 9:30 o'clock a. m., U. S. standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed) at the offices of the Public Utilities Commission of California, San Francisco, Calif., before Examiner Roy F Linn;

And it is further ordered, That the following special rules shall be applicable herein:

1. *Prepared statement interchange before hearing.* The parties shall prepare in writing all evidence in chief of their witnesses and serve on the opposing side copies thereof together with any exhibits they intend to offer in evidence. Such prepared material shall be served by respondents, including service of 15 copies upon the Public Utilities Commission of California, San Francisco, Calif., on or before April 21, 1953, the service by all others to be made on or before May 18, 1953, by serving 10 copies on Mr. James E. Lyons, General Attorney, Southern Pacific Company, 65 Market Street, San Francisco 5, Calif. A copy also shall be mailed to Examiner, Roy F Linn, 754 Flood Building, 870 Market Street, San Francisco 2, Calif: No other copy of prepared material need be filed with the Interstate Commerce Commission prior to hearing. A person not an intervener who desires to obtain a copy of respondents' prepared material should make timely request therefor to Mr. James E. Lyons, at the address shown above.

2. *Participation limited.* Any person not a respondent or the Public Utilities Commission of California who desires to submit evidence herein shall not later than May 8, 1953, file a petition with the Interstate Commerce Commission, Washington, D. C., for leave to intervene; and the subsequent reception of evidence, except as good cause therefor shall otherwise be shown at the hearing, will be limited to respondents, the Public Utilities Commission of California, and to those who by order shall have been permitted to intervene as herein provided.

3. *General specifications.* Prepared statements shall conform to Rule 15 of the general rules of practice in respect to style, mimeographing or printing, etc. Evidence offered should be prepared carefully with conciseness and clarity and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony upon any point. The statements should be factual in character, and argument should not be incorporated in the testimony. If not so limited the prepared statement may be excluded in whole or in part. Also the Commission on its own motion or on objection may exclude a statement or any portion thereof which is (a) not material or relevant to the questions presented in the proceeding, or (b) obviously incompetent.

4. *Verification. Relief from cross examination and personal appearance.* There is no requirement that a prepared statement shall have an affidavit attached, but this does not preclude attaching an affidavit to the prepared statement. If that is done the following, or its equivalent, should appear on the top of the first sheet of the statement:

> This statement is verified. Unless written request for cross examination is received by affiant or his attorney not later than May 25, 1953, affiant desires that the statement be incorporated in the record as evidence without his personal appearance as a witness.

A witness making such a request and thereafter receiving a demand for cross examination must personally report at the hearing, or his verified statement may not be received. If there is no demand for cross examination as above provided, the privilege of cross examina-

tion will be deemed to be waived if the statement is verified and the witness making the statement has requested to be relieved from personal appearance as above provided. It will be presumed that a witness preparing an unsworn statement intends personally to appear at the hearing for cross examination and to be sworn at that time. An unsworn statement will not be admitted if the affiant is not personally present at the hearing.

5. *Oral evidence limited.* Implementing oral evidence to correct errors or to supply inadvertent omissions in prepared statements is permissible, but evidence in chief not previously interchanged in writing as herein provided may not be admitted except as good cause therefor shall be shown at the hearing.

6. *How admitted to the record.* To become part of the record it is necessary for the witness, or some one qualified to represent him, formally to offer the prepared statement in evidence at the hearing; and unless good reason shall otherwise appear, the statement will be admitted as an exhibit.

7. *Materiality reserved.* A prepared statement received in evidence with or without objection as to its admissibility is subject to subsequent challenge as to the weight to be accorded to the facts in such statement.

8. *Witness examination.* The examination of a witness should be conducted in a manner so as to make it rapid, distinct, and as little annoying to the witness as is consistent with eliciting the facts and to this end counsel on the same side of an issue should agree upon one person to examine a witness.

9. *Proposed findings.* At the close of the testimony any party may read into the record, or offer as an exhibit, a concisely prepared statement of numbered findings of fact and conclusions thereon which such party believes should be made.

10. *Oral argument at the close of the testimony.* The parties should be prepared, as contemplated by Rule 88 of the general rules of practice, orally to argue the proceeding, or, in lieu thereof, to offer as an exhibit a written statement of oral argument.

11. *Due dates defined.* All dates specified in these rules are the latest dates on which the parties in the performance of an act contemplated by these rules may make deposit in the mails, except (a) as otherwise provided respecting the date specified in special Rule 4, and (b) the date specified in special Rule 2 for the filing of a petition for leave to intervene shall be governed by the provisions of Rule 4 (b) of the general rules of practice, namely, receipt in the Commission and not the date of deposit in the mails shall be determinative.

And it is further ordered, That in addition to service of this order upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register.

Dated at Washington, D. C., this 1st day of April A. D. 1953.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3011; Filed, Apr. 7. 1953; 8:50 a. m.]